IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1528 OF 2005
IN
SUIT NO.2543 OF 2005

Damayantiben Nenshibhai Shah Plaintiff

versus

Jamnadas Dharmashi Rakhasiya Defendant

and

Yogesh Hemraj Rachh & ors. Respondents

Mr.N.Engineer i/by RMG Law & Associates for plaintiff.

Mr.Bhavin Bhatia i/by Bipin Joshi for defendants.

Mr.V.M.Bharadwaj for respondents 1 to 3.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13th June 2006

PC :

1. This Chamber Summons is for amendment to incorporate certain subsequent events. It appears from a perusal of the affidavit in support of this Chamber Summons that the above suit was filed by the plaintiffs herein for specific performance of an agreement dated 16th April 2003. During pendency of this suit they

have been informed that original defendant has purported to create certain rights in favour of respondents herein. It is in these circumstances that the plaint is sought to be amended to incorporate all the details pertaining to this transaction, so also to implead the parties to the agreement as party defendants to the suit.

2. I am satisfied that their impleadment is necessary to resolve all matters in controversy and would avoid multiplicity of proceedings as well. By merely impleading them it is not as if their rights in the property are being adjudicated upon. All such pleas as are available in law including that these respondents had no notice of the agreement between the plaintiff and the defendants, are open for being raised. Leaving all such contentions open, this Chamber Summons is made absolute in terms of prayer clause (a). Amendment to be carried out within a period of two weeks. Amended plaint to be served within four weeks thereafter. The statement made by learned advocate for the respondents on 24th January 2006 to continue for a period of four weeks from today. Needless to state that such statement being made and it’s continuation is without prejudice to the rights

and contentions of the parties.

3. In the light of this, Chamber Summons No.41 of 2006 also will not survive and it is accordingly disposed of.

(S.C.DHARMADHIKARI, J.)